

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HALL CA-NV, LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 3:18-CV-00380-B
	§	
OLD REPUBLIC NATIONAL TITLE	§	
INSURANCE COMPANY,	§	
	§	
Defendant.	§	

**PLAINTIFF’S OBJECTIONS TO
DEFENDANT’S SUMMARY JUDGMENT EVIDENCE**

Plaintiff Hall CA-NV, LLC (“Hall”) files Objections to the exhibits contained in Defendant Old Republic National Title Insurance Company’s (“Old Republic’s” or “Defendant’s”) Appendix to Defendant’s Motion for Summary Judgment (Doc. No. 42) as follows:

I. OBJECTION TO HEARSAY

1. Hall objects to Defendant’s Exhibit E (Doc. No. 42-7) (App. 809 at 104:9–104:10), which is a portion of Jan Feryus’s (Defendant’s Corporate Representative) deposition testimony, because it contains inadmissible hearsay. Defendant cites to Exhibit E (App. 1308) to support its assertion that “Hall’s outside counsel handled the title insurance issues for Hall, and he advised Old Republic that Hall was fine with ‘incremental coverage’ for loan disbursements for the Project.” *See* Doc. No. 41 (Def.’s Mot. for Summ. J. at 3). But, at App. 809 at 104:9–104:10, Ms. Feryus testified that “Valerie Zankich informed Mark Talbot that the lender had approved incremental coverage.” Ms. Feryus’s testimony is inadmissible because, in violation of Federal Rule of Evidence 802, Ms. Feryus’s testimony constitutes hearsay (*i.e.*, an out-of-court statement offered to prove the truth of the matter asserted), and no exceptions apply. Exhibit E (App. 809 at

104:9–104:10) should be stricken from the record, and Defendant’s aforementioned assertion should be disregarded.

II. PRAYER

Hall respectfully requests that this Court sustain Hall’s objection to Old Republic’s summary evidence and grant Hall all other relief to which it may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on the following counsel via ECF, in accordance with the Federal Rules of Civil Procedure on this 3rd day of July, 2019:

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